IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3385 OF 2005

Mrs.Monju V. Vakharia & Ors. : Petitioners

V/s.

Mahendrakumar Dholakia & Ors. : Respondents

...

Mr.J.S.Kini for the petitioners.

Mr.K.H.Haloi i/b. M/s.Hila & Co., for the respondent no.1.

Mr.A.H.Palekar, Asstt. Govt. Pleader, for the respondent nos.2 to 4.

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CORAM : S.A. BOBDE, J.

July 15, 2005.

P.C.:

1. Rule, returnable forthwith.

The learned counsel for the respective respondents waive service of rule.

Heard by consent.

2. The petitioner has challenged the rejection of his appeal under section 78(2) of the Maharashtra Co-operative Societies Act, 1960, hereinafter referred to as the "Act". The appeal was against the order of the appointment of an Administrator pursuant to a show cause notice and findings

given by the Deputy Registrar as to the correctness of the charges.

3. The appellate authority appears to have mainly rejected the petitioner's appeal on the ground that the statutory bonds in form M-20 as required under section 73(1AB) of the Act have not been executed. As regards the findings of the Deputy Registrar who came to the conclusion that the charges in the said show cause notice have been duly proved, the appellate authority has merely observed as follows:-

> ".....it is observed that the Respondent No.1 Deputy Registrar has given the reasons while coming to the conclusion on each and every issues of the show cause notice."

I am of view that the appellate authority was bound to express its agreement with the findings of the Deputy Registrar.

4. As regards the issue of bonds, the learned counsel for the petitioners, referred to para 9 of the petition in which it is stated that all members of the Managing Committee have filled in the bonds which are at exh.'C'

colly. Having regard to these circumstances, the impugned order is set aside. The matter is remitted back to the appellate authority for a fresh decision, in accordance with law. All contentions on merits are left open.

5. The rule is made absolute in the aforesaid terms.

Sd/-

S.A. BOBDE, J.